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| 09/602,412      | 06/23/2000  | Melvin Richard Zimowski | ST9-99-080          | 9095             |

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| EXAMINER |
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NGUYEN, QUANG N

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| ART UNIT | PAPER NUMBER |
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2141

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE  | DELIVERY MODE |
|--|------------|---------------|
| 3 MONTHS                               | 03/06/2007 | PAPER         |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

09/602,412

Applicant(s)

ZIMOWSKI, MELVIN RICHARD

Examiner

Quang N. Nguyen

Art Unit

2141

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3-13,15-24 and 27-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-13,15-24 and 27-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 September 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### ***Detailed Action***

1. This Office Action is responsive to the Amendment filed on 02/07/2007. Claims 1, 4, 13, 16, 25 and 28 have been amended. Claims 1, 3-13, 15-25 and 27-40 remain pending for examination.

### ***Drawings***

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the claimed features *"determining whether to respond to a request for a web page by retrieving the web page from a cache or by constructing the web page"* and *"if it is determined that the request is to be responded to by constructing the web page"* must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for

consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. **Claims 1, 13 and 25 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.**

5. Applicants amended claims 1, 13 and 25 including newly claimed limitations *"determining whether to respond to a request for a web page by retrieving the web page from a cache or by constructing the web page"* and *"if it is determined that the request is*

*to be responded to by constructing the web page*", which were not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

After reviewing both the specification and the drawings, Examiner respectfully submits that the specification does not contain a concise explanation of the subject matter defined in each of newly claimed features *"determining whether to respond to a request for a web page by retrieving the web page from a cache or by constructing the web page"* and *"if it is determined that the request is to be responded to by constructing the web page"*. As such, Examiner respectfully requests that Applicants clearly point out with reference to the specification by page and line number and to the drawings, if any, by reference characters, in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the newly claimed features, as claimed in claims 1, 13 and 25.

### ***Claim Rejections - 35 USC § 101***

6. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

7. **Claims 1, 3-13, 15-25 and 27-40 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.**

8. Claims 1, 13 and 25 only appear to be producing a tangible result which enables any usefulness of having determined the request is to be responded to by constructing the web page. Under all other conditions (*such as, having determined the request is to be responded to by NOT constructing the web page, i.e., having determined the request is to be responded to by retrieving the web page from a cache*), the final result achieved is a determination which has not been used nor made available for use in the disclosed practical application. As such, no usefulness of having made the determination can be realized.

9. Claims 3-12, 15-24 and 27-40 are dependent claims of claim 1, 13 and 25, consequently, they are rejected under the same rationale, at least by virtue of their dependency from the independent claims.

### ***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 1, 3-13, 15-25 and 27-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burns et al. (US 6,298,373), hereinafter "Burns", in view of Ramaley et al. (US 7,100,106), hereinafter "Ramaley".

12. As to claim 1, Burns teaches a method for responding to a request for a web page, comprising:

determining that a web page to be cached, wherein the web page references other objects (a policy manager 128 which defines and administers rules that determine which documents or resources, i.e., web pages, are cached in the cache memory 124, for instance, a Web page which references other objects such as images, audio or video tiles from a frequently visited Web site) (Burns, col. 10, lines 48-55);

storing the referenced objects in one or more data stores (if the Web page references or includes continuous data files, such as audio or video files, these referenced files are stored in a continuous media server CMS 126) (Burns, col. 5, lines 8-20);

caching the web page in a cache (caching the content received from the content provider, i.e., caching the frequently requested Web page in the cache memory 124 based on the policy manager 128) (Burns, col. 10, lines 48-55); and

automatically managing the cached web page and the referenced objects to ensure the display of a complete web page (the target specifications embedded in the Web page to reference the continuous data files are modified/managed to reference the

*local copy of the continuous data files so that the continuous video/audio data stream can be rendered just-in-time by the subscriber, i.e., to ensure the display of a complete web page with all the referenced objects* (**Burns, col. 9, line 42 – col. 10, line 10**).

However, **Burns** does not explicitly teach when one or more of the referenced objects are deleted, deleting the web page from the cache.

In an analogous art, **Ramaley** teaches a system and method of mirroring operations performed on linked files and folders, wherein whenever a file operation (e.g., delete, cut, copy, move, undo, restore, etc.) performed on a primary file 302 (i.e., a web page) is also performed on the supporting files 200, 202 and 204 (i.e., referenced objects) and the folder 300 containing the supporting files. Similarly, any supporting files/folder operation performed on the supporting files/folder is also performed on the primary file 302 (i.e., delete web pages that contain deleted referenced objects and vice versa) (**Ramaley, Abstract, col. 6, lines 23-45 and col. 7, lines 29-55**).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the features of one or more of the referenced objects is deleted, deleting the web page from the cache and vice versa, as disclosed by **Ramaley**, into the teaching of **Burns**, since both references are both directed to handling/managing web pages and their supporting files, hence, would be considered to be analogous based on their related endeavor. One would be motivated to do so to help the system and users to store and manage primary files such as main HTML files and web pages as well as their corresponding support files as a single entity (**Ramaley, col. 7, line 56 – col. 8, line 9**).



13. As to claim 3, **Burns-Ramaley** teaches the method of claim 1, further comprising, when the web page is deleted from the cache, deleting the referenced objects (**Ramaley, Abstract, col. 6, lines 23-45 and col. 7, lines 29-55**). The same motivations regarding the obviousness of claim 1 also apply equally well to claim 3.

14. As to claim 4, **Burns-Ramaley** teaches the method of claim 1, further comprising:

receiving a request to generate a dynamic web page (*receiving a request for the CNN Web page from the first subscriber of 6:40 AM*); and

retrieving data and placing the data in a dynamically generated web page (*the local service provider 110 retrieves and serves the Web page, with hyperlinks to various data items, such as audio and/or video clips, from the cached memory 124*) (**Burns, col. 9, line 42 – col. 10, line 10**).

15. As to claims 5-6, **Burns-Ramaley** teaches the method of claim 4, wherein managing the cached web page and referenced objects comprises the steps of:

receiving a request from an administrator to delete the retrieved data (*or linked objects*) based on administrator-provided input (*time-to-live "TTL" tags are computed by the local service providers and assigned to the content to assist in determining when the content should be refreshed or disposed/deleted*) (**Burns, col. 10, line 59 – col. 11, line 19**); and

deleting the retrieved data (or linked objects) based on the administrator-provided input (*deletion policies are a function of the content itself, i.e., the content will be deleted when its "TTL" tag assigned by the administrator of local service providers expires, and/or by how frequently the content is requested, etc.*) (**Burns, col. 10, line 59 – col. 11, line 19**).

16. As to claim 7, **Burns-Ramaley** teaches the method of claim 1, further comprising, processing a caching directive that specifies whether the web page should be cached (*a policy manager 128 defines and administers rules that determine which documents, i.e., web pages, are cached in the cache memory 124*) (**Burns, col. 10, lines 48-55**).

17. As to claims 8-9, **Burns-Ramaley** teaches the method of claim 1, further comprising, associating an expiration timestamp with the web page, wherein the expiration timestamp defines a time period in which the cached web page is valid and automatically deleting the web page and the referenced objects when the expiration timestamp precedes a current timestamp (*time-to-live "TTL" tags are computed and assigned to the content to assist in determining when the content should be refreshed or disposed, i.e., when the time-to-live "TTL" expires, the content is no longer valid and should be updated or deleted*) (**Burns, col. 10, line 59 – col. 11, line 19**).

18. As to claim 11, **Burns-Ramaley** teaches the method of claim 8, wherein managing the cached web page and referenced objects comprising:

receiving a request from an administrator to delete all cached web pages according to some administrator-specified selection criteria (*the local service providers, i.e., the administrators, might compute the "TTL" tags for the content, i.e., for the cached web pages, it caches in cache memory based on some specified selection criteria*) (**Burns, col. 10, line 65 – col. 11, line 14**); and

deleting all cached web pages and referenced objects that satisfy the administrator-specified selection criteria (*deletion policies are a function of the content itself, for example, when the "TTL" set by the administrator expires, how frequently the content is requested, etc., the content will be deleted*) (**Burns, col. 11, lines 15-19**).

19. Claims 10 and 12 recite method claims contain similar limitations as method claim 3; therefore, it is rejected under the same rationale.

20. As to claim 37, **Burns** teaches the method of claim 1, wherein at least one of the referenced objects is not stored in said cache (*the audio and video clips referenced by the hyperlinks are stored in the content media server CMS 126*) (**Burns, col. 9, lines 45-48**).

21. Claims 13, 15-24 and 38 are corresponding apparatus claims of method claims 1, 3-12 and 37; therefore, they are rejected under the same rationale.

22. Claims 25, 27-36 and 39 are corresponding article of manufacture claims of method claims 1, 3-12 and 37; therefore, they are rejected under the same rationale.

23. As to claim 40, **Burns-Ramaley** teaches the method of claim 1, wherein the cached web page and the referenced objects are automatically managed ensuring the display of a complete web page by referencing a dependency table storing relation information for the cached web page and the referenced objects (*a conversion table can be constructed which converts requests from referencing the files at the "original" Web site to referencing the files in the "local" CMS 126, inherently, the conversion table must have included the "original" links to the target data content at the "original" Web site and the "modified" links to the target data content at the "local" CMS 126, wherein both "original" and "modified" links are associated/embedded with/within the corresponding cached web page, i.e., containing relation information for the cached web page and the referenced objects*) (**Burns, col. 9, lines 52-65**).

***Response to Arguments***

24. In the Remarks, Applicant argued in substance that

(A) "Burns is not Analogous Prior Art" because "Burns reference is not reasonably pertinent to the problem of reducing expense required to respond to a request for a web page" (see Remarks filed on 02/07/2007, pages 12-13).

As to point (A), **Burns** teaches a network system includes a content provider connected to local service providers via an interactive distribution network, such as the Internet. The local service providers facilitate delivery of the content from the content provider to multiple subscribers. The content is downloaded from the content provider during the off-peak hours and cached at the local service providers for serving to the subscribers during the ensuing peak time. In this manner, the frequently requested content is already present at the local service providers (cache) and ready to be served to the subscribers (**Burns, Abstract**). In addition, **Burns** teaches when the content is finally requested, the data is streamed continuously in real-time for just-in-time rendering at the subscriber. This eliminates the latency problems because the subscribers do not have to wait for the downloading of web pages containing video and audio files over the Internet (*i.e., pertinent to the problem of reducing expense required to respond to a request for a web page*) (**Burns, col. 4, lines 39-44**).

Hence, Examiner respectfully submits that "*Burns is an Analogous Prior Art*" because Burns reference is in fact reasonably pertinent to the problem of reducing expense required to respond to a request for a web page.

***Conclusion***

25. Applicant's arguments as well as request for reconsideration filed on 02/07/2007 have been fully considered but they are not deemed to be persuasive.

26. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

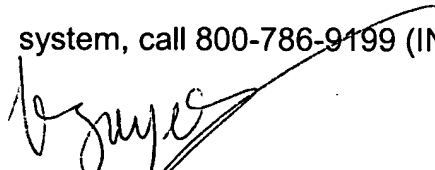
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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27. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quang N. Nguyen whose telephone number is (571) 272-3886.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's SPE, Rupal Dharia, can be reached at (571) 272-3880. The fax phone number for the organization is (571) 273-8300.

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Quang N. Nguyen  
Patent Examiner  
AU - 2141



**RUPAL DHARIA**  
**SUPERVISORY PATENT EXAMINER**